

IN THE DISTRICT COURT OF THE VIRGIN ISLANDS
DIVISION OF ST. THOMAS AND ST. JOHN

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	
v.)	Case No. 3:20-cr-0043
)	
MARVELLOUS EGHAGHE,)	
)	
Defendant.)	
)	

ORDER

BEFORE THE COURT is Marvellous Eghaghe's motion to continue the trial in this matter, currently scheduled for June 28, 2021. For the reasons stated herein, the time to try this case is extended up to and including October 12, 2021.

On May 20, 2021, Marvellous Eghaghe ("Eghaghe") filed a motion to continue the trial date and extend the motions deadline. (ECF No. 27.) As a basis for his request, Eghaghe asserts that counsel for Defense was unable to download the electronic discovery files sent by the Government, resulting in a delay in accessing the extensive discovery. *Id.* at 1-2. As such, Eghaghe requests a ninety-day continuance of the trial date in this matter to provide sufficient time to review the materials and adequately prepare for trial. *Id.* at 2. Eghaghe also represents that the United States does not oppose his motion to continue. *Id.*

While the Speedy Trial Act requires that defendants be tried within seventy days of indictment, the Court specifically finds that extending this period would be in the best interest of justice. Here, an extension of time is necessary to allow Eghaghe time to review discovery materials.

Consistent with these concerns, the United States Court of Appeals for the Third Circuit has recognized that "whether or not a case is 'unusual' or 'complex,' an 'ends of justice' continuance may in appropriate circumstances be granted." *United States v. Fields*, 39 F.3d 439, 444 (3d Cir. 1994); *United States v. Dota*, 33 F.3d 1179 (9th Cir. 1994) ("An ends of justice continuance may be justified on grounds that one side needs more time to prepare for trial [even if the] case [i]s not 'complex.'"); *see also United States v. Lattany*, 982 F.2d 866, 883 (3d

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Cir. 1992) (“[T]he district court did not abuse its discretion when it delayed the trial to give counsel . . . opportunity to . . . decid[e] upon and prepar[e] an appropriate defense.”); *United States v. Brooks*, 697 F.2d 517, 522 (3d Cir. 1982) (holding there was no abuse of discretion where district court found that the multiple count, multiple defendant “case was complex and required additional time for adequate preparation.”).

Moreover, in response to the COVID-19 pandemic, the Chief Judge of the District Court of the Virgin Islands has entered a general order concerning operations of the Court. The Chief Judge has thus far extended the order twelve times, finding that the ends of justice require excluding March 18, 2020, through May 31, 2021, from the Speedy Trial count in all criminal matters.

To date, the COVID-19 virus has claimed more than 593,000 lives (27 of which have been in the U.S. Virgin Islands). Current testing indicates that the rate of contraction of the virus is slowing in recent weeks. Notwithstanding the decrease in the incidence of COVID-19 in the Virgin Islands over the past few weeks, the Court finds that the ends of justice require a continuance of the trial date in this case. COVID-19 continues to present an unpredictable threat to public health and safety. In light of these circumstances, the Court finds it necessary and appropriate to proceed with caution. Social distancing—specifically avoiding gatherings of more than 10 people and maintaining a distance of at least 6 feet from others—remains the most effective check against the COVID-19’s transmission. Given these circumstances, the Court finds that extending the period within which the Defendant may be tried under the Speedy Trial Act is necessary for the protection and well-being of the Defendant, the jury, the prosecutors, the witnesses, the Court’s personnel, and the general public at large.

The premises considered, it is hereby

ORDERED that Eghaghe’s motion to continue the trial date and extend the motions deadline is **GRANTED**; it is further

ORDERED that the motions deadline previously set for May 28, 2021, is hereby **EXTENDED** to September 13, 2021; it is further

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ORDERED that the time beginning from the date of this order granting an extension through October 12, 2021, shall be excluded in computing the time within which the trial in this matter must be initiated pursuant to 18 U.S.C. § 3161; and it is further

ORDERED that the jury trial in this matter previously scheduled for June 28, 2021, is **RESCHEDULED** to commence promptly at 9:00 A.M. on October 12, 2021, in St. Thomas Courtroom 1.

Dated: May 28, 2021

/s/ Robert A. Molloy
ROBERT A. MOLLOY
Chief Judge